

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PLASTIC OMNIUM AUTO INERGY  
INDUSTRIAL SA de CV,

Plaintiff,

No. 21-11141

v.

Honorable Nancy G. Edmunds  
Magistrate Judge Elizabeth A. Stafford

MCC DEVELOPMENT, INC.,  
and ANTHONY BUFFA,

Defendants.

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**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [147]**

This matter is before the Court on the Magistrate Judge's August 10, 2023 Report and Recommendation. (ECF No. 147.) The Magistrate Judge recommends that the Plaintiff Plastic Omnium Auto Inergy Industrial SA de CV's motion for injunctive relief and appointment of a receiver be GRANTED. (ECF No. 132.) Neither party filed objections and the time for doing so has expired. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 09-10933, 2012 WL 3639070, at \*1 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140 (1985)). Nevertheless, the Court reviewed the Magistrate Judge's report and finds it agrees with the Magistrate Judge's reasoning and conclusions. The Court therefore **ACCEPTS and ADOPTS** the Magistrate Judge's report and recommendation (ECF No. 147) and **GRANTS** Plaintiff's Motion.

**In doing so, the following relief is ordered:** (1) the fraudulent transfers to Endeavor Infrastructure, Endeavor Capital, and Sunshine Transport (together, the “affiliated companies”) are **HEREBY VOIDED** and funds up to the amount of judgment are hereby ordered returned; (2) the affiliated companies are **HEREBY ENJOINED** from transferring funds until the judgment is satisfied; (3) Plaintiff may secure a receiver who is **HEREBY AUTHORIZED** to preside over the assets of MCC Development, Inc., Anthony Buffa, and the affiliated companies; the costs of the receiver shall be paid initially by Plaintiff and Plaintiff shall be reimbursed these costs by Defendants before the receivership is terminated<sup>1</sup>; (4) Defendants are **HEREBY ENJOINED** from transferring or using any funds until the judgment is satisfied; and (5) Defendants are **HEREBY COMPELLED** to produce the information described in the final two pages of Plaintiff’s motion.

**Defendants are hereby put on notice that failure to comply with this Order will likely result in a finding of civil contempt, fines, and/or jail time.**

**SO ORDERED.**

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s/ Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: June 28, 2023

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<sup>1</sup> See *Liberte Capital Grp., LLC v. Capwill*, 462 F.3d 543, 551 (6th Cir. 2006) (“A district court enjoys broad equitable powers to appoint a receiver over assets disputed in litigation before the court. The receiver’s role, and the district court’s purpose in the appointment, is to safeguard the disputed assets, administer the property as suitable, and to assist the district court in achieving a final, equitable distribution of the assets if necessary.”)

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 28, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager